

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Susan Marshall
Debtor(s)

Bankruptcy Case No.: 18-23272-CMB
Issued Per Oct. 29, 2018 Proceeding
Chapter: 13
Docket No.: 31 - 20
Concil. Conf.: February 28, 2019 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 20, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 28, 2019 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: ACAR Leasing LTD at Claim No. 7 .
- ☒ H. Additional Terms: Notwithstanding interim confirmation order, payment on the secured claim of Real Time Resolutions, Inc. at Claim No. 9 are to remain on reserve pending final confirmation or other order of court. Assumption is that mortgage will be avoided.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: November 1, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Susan Marshall
 Debtor

Case No. 18-23272-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 48

Date Rcvd: Nov 01, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 03, 2018.

db
 14899247 +Susan Marshall, 1118 Post Drive, Latrobe, PA 15650-2624
 14899225 +ACAR Leasing LTD d/b/a GM Financial, Po Box 183853, Arlington, TX 76096-3853
 14899226 +Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
 14899227 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
 14899229 +Bk Of Amer, 4909 Savarese Circle, Tampa, FL 33634-2413
 14899230 +Ccs/bryant State Bank, 500 E 60th St N, Sioux Falls, SD 57104-0478
 14899230 +Ccs/cortrust Bank Na, Po Box 7030, Mitchell, SD 57301-7030
 14899231 +Ccs/first National Ban, 500 E 60th St N, Sioux Falls, SD 57104-0478
 14899233 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14899236 +Cortrust Bk, Po Box 7030, Mitchell, SD 57301-7030
 14899239 +Ditech, 3000 Bayport Dr.Ste. 880, Tampa, FL 33607-8409
 14899232 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
 (address filed with court: Ccs/first Savings Bank, 500 E 60th St N, Sioux Falls, SD 57104)
 14902491 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
 14899240 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14899241 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 14899242 +Fnb Omaha, Po Box 3412, Omaha, NE 68103-0412
 14899243 +Fncc, 500 E 60th St N, Sioux Falls, SD 57104-0478
 14899244 +Frd Motor Cr, Po Box Box 542000, Omaha, NE 68154-8000
 14918113 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 14899248 +KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 14931821 +PennyMac Loan Services, LLC, P.O. Box 2410, Moorpark, CA 93020-2410
 14921595 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14899254 +Thom/atls/fortiva Mc, 5 Concourse Pkwy, Atlanta, GA 30328-5350
 14925795 +The Bank of Missouri, PO Box 105555, Atlanta, GA 30348-5555

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14899224 +E-mail/Text: ally@ebn.phinsolutions.com Nov 02 2018 03:21:43 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 14934525 E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2018 03:24:55
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 14899228 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 02 2018 03:24:17 Capital One,
 15000 Capital One Dr, Richmond, VA 23238
 14920008 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 02 2018 03:23:52
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14899234 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 02 2018 03:22:06 Comenitycapital/biglot,
 3100 Easton Square Pl, Columbus, OH 43219-6232
 14899235 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 02 2018 03:22:06 Comenitycb/overstock,
 Po Box 182120, Columbus, OH 43218-2120
 14899237 +E-mail/PDF: creditonebknofications@resurgent.com Nov 02 2018 03:23:59 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 14903470 E-mail/Text: mrdiscen@discover.com Nov 02 2018 03:21:44 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14899238 +E-mail/Text: mrdiscen@discover.com Nov 02 2018 03:21:44 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 14899246 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Nov 02 2018 03:23:40 Genesis Bc/celtic Bank,
 268 S State St Ste 300, Salt Lake City, UT 84111-5314
 14899250 E-mail/Text: bklcard@lendup.com Nov 02 2018 03:23:21 Lendup Card Services I,
 225 Bush St Ste 1100, San Francisco, CA 94104
 14921455 E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2018 03:24:28
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14936532 E-mail/PDF: resurgentbknofications@resurgent.com Nov 02 2018 03:24:03
 LVNV Funding, LLC its successors and assigns as, assignee of ACL Consumer Loan Trust IV,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14899249 +E-mail/Text: bk@lendingclub.com Nov 02 2018 03:23:13 Lending Club Corp,
 71 Stevenson St Ste 300, San Francisco, CA 94105-2985
 14899251 +E-mail/Text: bkr@cardworks.com Nov 02 2018 03:21:31 Merrick Bank Corp, Po Box 9201,
 Old Bethpage, NY 11804-9001
 14936384 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 02 2018 03:39:53
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14899903 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 02 2018 03:24:46
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14929019 +E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 02 2018 03:23:02 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 14934867 E-mail/Text: bnc-quantum@quantum3group.com Nov 02 2018 03:22:15
 Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
 14933347 E-mail/Text: bnc-quantum@quantum3group.com Nov 02 2018 03:22:15
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 48

Date Rcvd: Nov 01, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14927319 E-mail/Text: bkdepartment@rtresolutions.com Nov 02 2018 03:22:55
Real Time Resolutions, Inc., 1349 Empire Central Drive, Suite #150,
Dallas, Texas 75247-4029
14899252 +E-mail/PDF: gecsedirecoverycorp.com Nov 02 2018 03:24:28 Synch/lowes, Po Box 965005,
Orlando, FL 32896-5005
14899253 +E-mail/PDF: gecsedirecoverycorp.com Nov 02 2018 03:24:14 Synch/walmart, Po Box 965024,
Orlando, FL 32896-5024
14938190 +E-mail/Text: bkteam@selenefinance.com Nov 02 2018 03:21:53
Wilmington Savings Fund Society, FSB, d/b/a Christ, Trust, c/o Selene Finance, LP,
9990 Richmond Ave, Suite 400 South, Houston TX 77042-4546

TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr SELENE FINANCE LP as servicer for Wilmington Savin
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14918090* +Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300
14918091* +Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
14918092* +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
14918093* +Bk Of Amer, 4909 Savarese Circle, Tampa, FL 33634-2413
14918094* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
14918095* +Ccs/bryant State Bank, 500 E 60th St N, Sioux Falls, SD 57104-0478
14918096* +Ccs/cortrust Bank Na, Po Box 7030, Mitchell, SD 57301-7030
14918097* +Ccs/first National Ban, 500 E 60th St N, Sioux Falls, SD 57104-0478
14918099* +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
14918100* +Comenitycapital/biglot, 3100 Easton Square Pl, Columbus, OH 43219-6232
14918101* +Comenitycb/overstock, Po Box 182120, Columbus, OH 43218-2120
14918102* +Cortrust Bk, Po Box 7030, Mitchell, SD 57301-7030
14918103* +Credit One Bank Na, Po Box 98875, Las Vegas, NV 89193-8875
14918104* +Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
14918105* +Ditech, 3000 Bayport Dr.Ste. 880, Tampa, FL 33607-8409
14918098* ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
(address filed with court: Ccs/first Savings Bank, 500 E 60th St N, Sioux Falls, SD 57104)
14899245* ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
(address filed with court: Fsb Blaze, 500 E. 60th Street, Sioux Falls, SD 57104)
14918111* ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
(address filed with court: Fsb Blaze, 500 E. 60th Street, Sioux Falls, SD 57104)
14918106* +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
14918107* +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
14918108* +Fnb Omaha, Po Box 3412, Omaha, NE 68103-0412
14918109* +Fncc, 500 E 60th St N, Sioux Falls, SD 57104-0478
14918110* +Frd Motor Cr, Po Box Box 542000, Omaha, NE 68154-8000
14918112* +Genesis Bc/celtic Bank, 268 S State St Ste 300, Salt Lake City, UT 84111-5314
14918114* +KML, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
14918116* ++LENDUP CARD SERVICES INC, 237 KEARNY STREET, STE 197, SAN FRANCISCO CA 94108-4502
(address filed with court: Lendup Card Services I, 225 Bush St Ste 1100,
San Francisco, CA 94104)
14918115* +Lending Club Corp, 71 Stevenson St Ste 300, San Francisco, CA 94105-2985
14918117* +Merrick Bank Corp, Po Box 9201, Old Bethpage, NY 11804-9001
14918118* +Synch/lowes, Po Box 965005, Orlando, FL 32896-5005
14918119* +Synch/walmart, Po Box 965024, Orlando, FL 32896-5024
14918120* +Tbom/atls/fortiva Mc, 5 Concourse Pkwy, Atlanta, GA 30328-5350

TOTALS: 1, * 33, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 03, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 48

Date Rcvd: Nov 01, 2018

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 1, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor SELENE FINANCE LP as servicer for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Susan Marshall ecf@mcelrathlaw.com, donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 5